IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 29203 of 1995

Between:

1 M.Ganga, S/o.Ganga,
R/o. Rajura (V), Adilabad Dist.
2 J.Poshetty, S/o. Bhojanna,
R/o. Rajura (V), Adilabad Dist.
3 G.Sayanna, S/o. Rasool,
R/o. Rajura (V), Adilabad Dist.
4 J.Poshetty, S/o. Bhojanna,
R/o. Rajura (V), Adilabad Dist.
5 Laxmi Bai, W/o. Bhumanna,
R/o. Rajura (V), Adilabad Dist.
6 Puppala Posani, W/o. Rajanna,
R/o. Rajura (V), Adilabad Dist.
7 Chetpally Rajanna, S/o. Linganna,
R/o. Rajura (V), Adilabad Dist.
8 Kunta Rajavva, W/o. Linmganna,
R/o. Rajura (V), Adilabad Dist.
9 Tembureni Bhojanna, S/o. Gangaram,
R/o. Rajura (V), Adilabad Dist.
10 Ayula Bhojakka, W/o. Chinna Bhojanna,
R/o. Rajura (V), Adilabad Dist.
11 Madgi Lachi, D/o. Lacha ,
R/o. Rajura (V), Adilabad Dist.
12 Dongargaom Yelluga, S/o. Saiga,
R/o. Rajura (V), Adilabad Dist.
13 Palle Pchiga, S/o. Pochiga,
R/o. Rajura (V), Adilabad Dist.
14 Kunta Kistanna, S/o. LKinganna,
R/o. Rajura (V), Adilabad Dist.
15 Nagi Chinna Bhojanna, S/o. Linganna,
R/o. Rajura (V), Adilabad Dist.
16 Aity Rasool, S/o. Sayanna,
R/o. Rajura (V), Adilabad Dist.
17 Jilker Bhojanna, S/o. Bhojanna,
R/o. Rajura (V), Adilabad Dist.

18 Kunta Rajeswar, S/o. Kistanna,
R/o. Rajura (V), Adilabad Dist.
19 Aity Narsaiahm, S/o.Rasool,
R/o. Rajura (V), Adilabad Dist.
20 Chakpally Ganga, S/o. Saiga,
R/o. Rajura (V), Adilabad Dist.
21 Ambakanti Bhojanna, S/o. Pochanna,
R/o. Rajura (V), Adilabad Dist.
22 Golla Pedda Bhojanna, S/o. Istari ,
R/o. Rajura (V), Adilabad Dist.
23 Lalu Chinnakka, W/o. Lalu ,
R/o. Rajura (V), Adilabad Dist.
24 Mala vithal, S/o. Ramuloo,
R/o. Rajura (V), Adilabad Dist.
25 Gandla Chinna muthanna, S/o. Gangaram,
R/o. Rajura (V), Adilabad Dist.
26 Baddam Satyavva, W/o. Raghupathi Reddy,
R/o. Rajura (V), Adilabad Dist.
27 madgi Kurme Pothamma, S/o. Pothanna,
R/o. Rajura (V), Adilabad Dist.
28 Madgi Bhojanna, S/o. Adellu,
R/o. Rajura (V), Adilabad Dist.
29 Dhangari Kandenna, S/o. Ramuloo,
R/o. Rajura (V), Adilabad Dist.
30 Chakali Sayanna, S/o. Bhojanna,
R/o. Rajura (V), Adilabad Dist.
31 Bhojakka, W/o. Borigam,Ganganna,
R/o. Rajura (V), Adilabad Dist.

..... PETITIONERS

AND

1 The Superintending Engineer, SRSP,Pochampad.
SRSP,Pochampad.
2 The Special Collector, SRSP,Pochampad.
SRSP,Pochampad.
3 The Special Deputy Collector, SRSP,Pochampad.
SRSP,Pochampad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more in the nature of writ of Mandamus directing the respondents to pay the compensation after initiating land acquisition proceedings relating to the lands of the petitoners situatted at Rajura and Manmad (V), acquired for Rajura,-Manmad Road,Lohesra (M),Adilabad and pass such other orders.

Counsel for the Petitioner: MR.V.MANOHAR RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER

Heard the learned counsel for the petitioners and the learned Government pleader for Land acquisition. Perused the material placed before me.

The grievance of the petitioners is that the 1st respondent, with intent to lay a road between Rajura and Manmad villages, surveyed the land and selected the petitioners' lands for the said purpose. On coming to know the same, the petitioners approached the 1st respondent and expressed their grievance. The 1st respondent promised the petitioners that he would see that compensation be paid to the petitioners in that regard.

While the things stood thus, in the year 1993, the respondents took possession of the land and installed the pegs by dividing their lands into two pieces. Therefore, they could not cultivate the land. Hence the present writ petition seeking a direction to the respondents to pay compensation after initiating land acquisition proceedings relating to the lands of the petitioners situated at Rajura and Manmad villages, acquired for Rajura-Manmad road Lohesra Mandal, in Adilabad District.

A perusal of the entire material placed on record reveals that, petitioners, except stating that they are the owners of the land in question, there is no material to show that the petitioners are the rightful owners.

Further, it could be seen that the writ petition is filed seeking a direction to the respondents to pay compensation to the petitioners after initiating Land Acquisition proceedings, which goes to show that, as on date of filing of the writ petition, the respondents have not initiated the formation of road as alleged by the petitioners. It is to be

observed further that the petitioners, in their affidavit, stated that the lands are patta lands, whereas the learned counsel for the petitioners contends that the lands are assigned lands. Whatever be the case, there is no material placed before the Court to believe that the petitioners are the rightful owners of the lands in question.

In view of the above uncertainties, and in the absence of material, which should be established on evidence, this Court, under Art. 226 of The Constitution of India, cannot adjudicate the matter at this stage, and hence the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. No costs.

---

kvsn 27-01-2004

To

1 The Superintending Engineer, SRSP,Pochampad.
SRSP,Pochampad.
2 The Special Collector, SRSP,Pochampad.
SRSP,Pochampad.
3 The Special Deputy Collector, SRSP,Pochampad.
SRSP,Pochampad.

4 Two Copies to the GP for Land Acquisition, High Court Buildings, Hyderabad.

5 Two CD copies.